

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3, 6-13, 15, 17-26, 28, 29, 31-37 and 39 are pending in the application. The Applicants note that the amendments to the claims have been made to expedite prosecution. The Applicants do not acquiesce to the rejections and reserve the right to pursue original claims, cancelled claims, and new claims in a continuation application.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter in claims 1, 3, 6-13, 15, 17-26, 28-29, 31-38, and 40-41 of the application.

Drawing Objection

The Examiner objected to the drawings under 37 CFR 1.83(a). Specifically, the Examiner stated that "the fixation element comprising a substantially planar spiral or a substantially helical spiral must be shown or the feature(s) canceled from the claim(s)."

Applicants have either canceled the claims that include these features or amended the claim to place the claim in condition of allowance. For example, claim 37 has been amended to recite "the fixation element includes a substantially spiral configuration." This feature is supported by Figure 3C and the corresponding disclosure. Accordingly, the Applicants respectfully request that the drawing objection be withdrawn.

Rejection Under 35 U.S.C. 102(b)

Claim 39 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,258,098 to Taylor et al. (Taylor).

Independent claim 39 has been amended to recite a stent having "a first fixation element attached to the elongated body portion by a tether connector, the first fixation element having a substantially spiral configuration." For example, as shown in Figure

3C, the fixation element 30 has a substantially spiral configuration. Taylor does not disclose or suggest such a stent. Accordingly, claim 39 as amended is allowable over Taylor.

Conclusion

All of the stated grounds of rejection and objection have been properly traversed. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that such rejections and objections be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Prompt and favorable consideration of this Amendment is respectfully requested.

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